

CAREY RODRIGUEZ  
MILIAN GONYA, LLP  
Frank S. Hedin (CA SBN 291289)  
1395 Brickell Avenue, Suite 700  
Miami, Florida 33131  
Telephone: (305) 372-7474  
Facsimile: (305) 372-7475  
*fshedin@careyrodriguez.com*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE FACEBOOK BIOMETRIC  
INFORMATION PRIVACY  
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CONSOLIDATED ACTIONS ON  
BEHALF OF FACEBOOK USERS (CASE  
NOS. 15-CV-03747, 15-CV-03748, 15-CV-  
03749); AND THE RELATED *GULLEN*  
ACTION ON BEHALF OF NON-USERS  
OF FACEBOOK (CASE NO. 16-CV-  
00937)

Master Case No. 3:15-cv-03747-JD

**NOTICE OF RELATED ACTION TO BE  
CONSOLIDATED WITH THIS ACTION;**

**NOTICE OF INTENT TO APPEAR AT THE  
MARCH 2, 2016 EVIDENTIARY HEARING**

Frederick William Gullen, through undersigned counsel, hereby provides notice of a related, recently removed action brought on behalf of non-users of Facebook, Inc. ("Facebook"), *Gullen v. Facebook, Inc.*, Case No. 3:16-cv-00937-MEJ (N.D. Cal.) (a copy of the Notice of Removal and accompanying exhibits are attached hereto at Exhibit "A"). Mr. Gullen understands that *Gullen* will be automatically consolidated with *In Re Facebook Biometric Information Privacy Litigation*, Master Case No. 3:15-cv-03747-JD (N.D. Cal.), pursuant to the Court's Order dated September 3, 2015 (ECF No. 44 at 2).

Given *Gullen*'s imminent consolidation with this action, *see id.*, undersigned counsel intends to appear at the March 2, 2016 evidentiary hearing regarding Facebook's "Terms of Use". In advance of the hearing, Mr. Gullen wishes to hereby notify the Court of his position that any decision reached regarding the enforceability and effect of Facebook's Terms of Use will be inapplicable to *Gullen*. Unlike the putative representatives of the three currently consolidated actions (Case Nos. 15-CV-03747, 15-CV-03748, 15-CV-03749), all of whom are Facebook users, Mr. Gullen and the individuals he seeks to represent are not and have never been users or subscribers of Facebook, and are therefore not subject to any Terms of Use enforceable against Facebook users.

Dated: February 26, 2016

Respectfully submitted,

/s/ Frank S. Hedin  
 Frank S. Hedin (CA SBN 291289)  
*fhedin@careyrodriguez.com*  
 CAREY RODRIGUEZ  
 MILIAN GONYA, LLP  
 1395 Brickell Avenue, Suite 700  
 Miami, Florida 33131  
 Telephone: (305) 372-7474  
 Facsimile: (305) 372-7475

*Attorney for Frederick William Gullen*

**CERTIFICATE OF SERVICE**

On February 26, 2016, a true and correct copy of the foregoing document was served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system pursuant to Civil Local Rule 5.1.

Dated: February 26, 2016

/s/ Frank S. Hedin  
Frank S. Hedin